

House File 2241 - Introduced

HOUSE FILE 2241
BY SORENSON

A BILL FOR

1 An Act relating to the carrying of weapons.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80A.13, Code 2009, is amended to read as
2 follows:

3 **80A.13 Campus weapon requirements.**

4 An individual employed by a college or university, or by a
5 private security business holding a contract with a college or
6 university, who performs private security duties on a college
7 or university campus and who carries a weapon while performing
8 these duties shall ~~meet all of the following requirements:~~

9 ~~1. File with the sheriff of the county in which the campus~~
10 ~~is located evidence that the individual has successfully~~
11 ~~completed an approved firearms training program under section~~
12 ~~724.9. This requirement does not apply to armored car~~
13 ~~personnel.~~

14 ~~2. Possess a permit to carry weapons issued by the sheriff~~
15 ~~of the county in which the campus is located under sections~~
16 ~~724.6 through 724.11. This requirement does not apply to~~
17 ~~armored car personnel.~~

18 ~~3. File file with the sheriff of the county in which the~~
19 ~~campus is located a sworn affidavit from the employer outlining~~
20 ~~the nature of the duties to be performed and justification of~~
21 ~~the need to go armed.~~

22 Sec. 2. Section 724.4, Code 2009, is amended to read as
23 follows:

24 **724.4 Carrying weapons.**

25 1. Except as otherwise provided in this section, a person
26 who goes armed with a dangerous weapon ~~concealed on or about~~
27 ~~the person, or who, within the limits of any city, goes~~
28 ~~armed with a pistol or revolver, or any loaded firearm of~~
29 ~~any kind, whether concealed or not, or who knowingly carries~~
30 ~~or transports in a vehicle a pistol or revolver, commits an~~
31 ~~aggravated misdemeanor with the intent to commit a crime of~~
32 ~~violence commits a class "D" felony. This subsection applies~~
33 ~~regardless of whether the dangerous weapon is concealed or not~~
34 ~~concealed on or about the person and regardless of whether the~~
35 ~~dangerous weapon is transported in a vehicle. For purposes of~~

1 this subsection, "crime of violence" means a felony which has,
2 as an element of the offense, the use of physical force by one
3 person against another person.

4 2. A person who goes armed with a knife concealed on
5 or about the person, if the person uses the knife in the
6 commission of a crime, commits an aggravated misdemeanor.

7 3. A person who goes armed with a knife concealed on or
8 about the person, if the person does not use the knife in the
9 commission of a crime:

10 a. If the knife has a blade exceeding eight inches in
11 length, commits an aggravated misdemeanor.

12 b. If the knife has a blade exceeding five inches but
13 not exceeding eight inches in length, commits a serious
14 misdemeanor.

15 4. Subsections 1 through 3 do not apply to any of the
16 following:

17 a. A person who for any lawful purpose goes armed with
18 a dangerous weapon in the person's own dwelling or place of
19 business, or on land owned or possessed by the person.

20 b. A peace officer, when the officer's duties require the
21 person to carry such weapons.

22 ~~c. A member of the armed forces of the United States or~~
23 ~~of the national guard or person in the service of the United~~
24 ~~States, when the weapons are carried in connection with the~~
25 ~~person's duties as such.~~

26 ~~d. A correctional officer, when the officer's duties~~
27 ~~require, serving under the authority of the Iowa department of~~
28 ~~corrections.~~

29 ~~e. c.~~ A person who for any lawful purpose carries an
30 unloaded pistol, revolver, or other dangerous weapon inside a
31 closed and fastened container or securely wrapped package which
32 is too large to be concealed on the person.

33 ~~f.~~ A person who for any lawful purpose carries or transports
34 an unloaded pistol or revolver in a vehicle inside a closed
35 and fastened container or securely wrapped package which is

1 ~~too large to be concealed on the person or inside a cargo~~
2 ~~or luggage compartment where the pistol or revolver will not~~
3 ~~be readily accessible to any person riding in the vehicle or~~
4 ~~common carrier.~~

5 ~~g. A person while the person is lawfully engaged in target~~
6 ~~practice on a range designed for that purpose or while actually~~
7 ~~engaged in lawful hunting.~~

8 ~~h. d.~~ A person who carries a knife used in hunting or
9 fishing, while actually engaged in lawful hunting or fishing.

10 ~~i. A person who has in the person's possession and who~~
11 ~~displays to a peace officer on demand a valid permit to carry~~
12 ~~weapons which has been issued to the person, and whose conduct~~
13 ~~is within the limits of that permit. A person shall not be~~
14 ~~convicted of a violation of this section if the person produces~~
15 ~~at the person's trial a permit to carry weapons which was valid~~
16 ~~at the time of the alleged offense and which would have brought~~
17 ~~the person's conduct within this exception if the permit had~~
18 ~~been produced at the time of the alleged offense.~~

19 ~~j. e.~~ A law enforcement officer from another state when the
20 officer's duties require the officer to carry the weapon and
21 the officer is in this state for any of the following reasons:

22 (1) The extradition or other lawful removal of a prisoner
23 from this state.

24 (2) Pursuit of a suspect in compliance with chapter 806.

25 (3) Activities in the capacity of a law enforcement officer
26 with the knowledge and consent of the chief of police of the
27 city or the sheriff of the county in which the activities occur
28 or of the commissioner of public safety.

29 ~~k. f.~~ A person engaged in the business of transporting
30 prisoners under a contract with the Iowa department of
31 corrections or a county sheriff, a similar agency from another
32 state, or the federal government.

33 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code
34 2009, is amended to read as follows:

35 a. A person listed under section 724.4, subsection 4,

1 ~~paragraphs~~ paragraph "b" through "f", "c", or "j" "e".

2 Sec. 4. Section 724.6, subsection 1, Code Supplement 2009,
3 is amended to read as follows:

4 1. A person ~~may be issued a permit to carry weapons~~
5 ~~when the person's employment~~ who is employed in a private
6 investigation business or private security business licensed
7 under chapter 80A, ~~or a person's employment~~ as a peace officer,
8 correctional officer, security guard, bank messenger or other
9 person transporting property of a value requiring security,
10 or in police work, whose employment reasonably justifies that
11 person going armed, shall be issued a professional permit to
12 carry weapons if the person applies for the permit and meets
13 the requirements of sections 724.8 through 724.10. The permit
14 shall be on a form prescribed and published by the commissioner
15 of public safety, shall identify the holder, and shall state
16 the nature of the employment requiring the holder to go armed.
17 A permit so issued, other than to a peace officer, shall
18 authorize the person to whom it is issued to go armed anywhere
19 in the state, ~~only~~ while engaged in the employment, and while
20 going to and from the place of the employment. A permit issued
21 to a certified peace officer shall authorize that peace officer
22 to go armed anywhere in the state at all times. Permits shall
23 expire ~~twelve months~~ five years after the date when issued
24 except that permits issued to peace officers and correctional
25 officers are valid through the officer's period of employment
26 unless otherwise canceled. When the employment is terminated,
27 the holder of the permit shall surrender it to the issuing
28 officer for cancellation.

29 Sec. 5. Section 724.7, Code 2009, is amended to read as
30 follows:

31 **724.7 Nonprofessional permit to carry weapons.**

32 Any person ~~who can reasonably justify going armed~~ may not
33 otherwise prohibited from possessing or transporting a firearm
34 and who meets the requirements in sections 724.8 through 724.10
35 shall be issued a nonprofessional permit to carry weapons if

1 the person applies for such permit. Such permits shall be
2 on a form prescribed and published by the commissioner of
3 public safety, which shall be readily distinguishable from the
4 professional permit, and shall identify the holder thereof,
5 and state the reason for the issuance of the permit,~~and the~~
6 ~~limits of the authority granted by such permit.~~ All permits so
7 issued shall be for a definite five-year period as established
8 ~~by the issuing officer, but in no event shall exceed a period~~
9 ~~of twelve months.~~

10 Sec. 6. Section 724.8, subsection 5, Code 2009, is amended
11 to read as follows:

12 5. ~~The issuing officer reasonably determines that the~~
13 ~~applicant does not constitute a danger to any person~~ person
14 is not otherwise prohibited by state or federal law from
15 possessing or transporting a firearm.

16 Sec. 7. Section 724.9, Code 2009, is amended to read as
17 follows:

18 **724.9 Firearm training program.**

19 A training program to qualify persons in the safe use of
20 firearms shall be provided by the issuing officer of permits,
21 as provided in section 724.11. ~~The commissioner of public~~
22 ~~safety shall approve the training program, and the county~~
23 ~~sheriff or the commissioner of public safety conducting~~
24 ~~the training program within their respective jurisdictions~~
25 ~~may shall~~ contract with a private organization or use the
26 ~~services of other agencies, or may use a combination of~~
27 ~~the two, to provide such training~~ a private individual or
28 a professional organization who shall conduct the training
29 consistent with training standards set forth by the national
30 rifle association. Any person eligible to be issued a permit
31 to carry weapons may enroll in such course. A fee sufficient
32 to cover the cost of the program may be charged each person
33 attending. Certificates of completion, on a form prescribed
34 and published by the commissioner of public safety, shall
35 be issued to each person who successfully completes the

1 program. ~~No~~ A person shall not be issued either a professional
2 or nonprofessional permit unless the person has received a
3 certificate of completion or is a certified peace officer. ~~No~~
4 ~~peace officer or correctional officer, except a certified peace~~
5 ~~officer, shall go armed with a pistol or revolver unless the~~
6 ~~officer has received a certificate of completion, provided that~~
7 ~~this requirement shall not apply to persons who are employed in~~
8 ~~this state as peace officers on January 1, 1978 until July 1,~~
9 ~~1978, or to peace officers of other jurisdictions exercising~~
10 ~~their legal duties within this state.~~

11 Sec. 8. Section 724.11, Code 2009, is amended to read as
12 follows:

13 **724.11 Issuance of permit to carry weapons.**

14 ~~Applications for permits~~ An application for a permit to
15 carry weapons, if made, shall be made to the sheriff of the
16 county in which the applicant resides. Applications from
17 persons who are nonresidents of the state, or whose need to
18 go armed arises out of employment by the state, shall be
19 made to the commissioner of public safety. In either case,
20 the issuance of the permit shall be by ~~and at the discretion~~
21 ~~of~~ the sheriff or commissioner, who shall, before issuing
22 the permit, determine that the requirements of sections
23 ~~724.6 to~~ 724.8 through 724.10 have been satisfied and the
24 person is not otherwise prohibited by state or federal law
25 from possessing or transporting a firearm. ~~However, the~~
26 ~~training program requirements in section 724.9 may be waived~~
27 ~~for renewal permits.~~ The issuing officer shall collect a
28 fee of ~~ten~~ fifty dollars, except from a duly appointed peace
29 officer or correctional officer, for each permit issued.
30 Renewal permits or duplicate permits shall be issued for a
31 fee of five dollars. The issuing officer shall notify the
32 commissioner of public safety of the issuance of any permit at
33 least monthly and forward to the commissioner an amount equal
34 to two dollars for each permit issued and one dollar for each
35 renewal or duplicate permit issued. All such fees received by

1 the commissioner shall be paid to the treasurer of state and
2 deposited in the operating account of the department of public
3 safety to offset the cost of administering this chapter. Any
4 unspent balance as of June 30 of each year shall revert to the
5 general fund as provided by section 8.33.

6 Sec. 9. NEW SECTION. **724.11A Reciprocity.**

7 A person possessing a valid out-of-state permit to carry a
8 weapon shall be entitled to the privileges and subject to the
9 restrictions prescribed by this chapter provided the state that
10 issued the license recognizes weapons permits issued in Iowa
11 and provided the person possessing such permit is not otherwise
12 prohibited from possessing a firearm.

13 Sec. 10. REPEAL. Section 724.5, Code 2009, is repealed.

14 EXPLANATION

15 This bill relates to the carrying of weapons.

16 Current law provides that a person who goes armed with a
17 dangerous weapon concealed on or about the person, or who,
18 within the limits of any city, goes armed with a pistol or
19 revolver, or any loaded firearm of any kind, whether concealed
20 or not, or who knowingly carries or transports in a vehicle a
21 pistol or revolver, commits an aggravated misdemeanor unless
22 certain circumstances apply including if the person has in
23 the person's possession a valid permit to carry weapons. The
24 bill eliminates this provision and provides that, except for
25 other lawful purposes, a person who goes armed with a dangerous
26 weapon with the intent to commit a crime of violence commits
27 a class "D" felony regardless of whether the dangerous weapon
28 is concealed or not concealed on or about the person and
29 regardless of whether the dangerous weapon is transported in a
30 vehicle. For purposes of the bill, "crime of violence" means
31 a felony which has, as an element of the offense, the use of
32 physical force by one person against another person. A class
33 "D" felony is punishable by confinement for no more than five
34 years and a fine of at least \$750 but not more than \$7,500.

35 The bill eliminates the requirement that a person, including

1 a person employed in a certain occupation whose employment
2 reasonably justifies that person going armed with a dangerous
3 weapon, must have and carry a professional or nonprofessional
4 permit to carry a weapon and makes it optional to apply for and
5 receive such permits. However, if a person applies for either
6 permit, the issuing officer (sheriff or commissioner of public
7 safety) shall issue the permit if certain requirements are met.
8 Such permits shall be issued for a five-year period at a cost
9 of \$50. If a person chooses to apply for a professional or
10 nonprofessional permit to carry weapons, the person is required
11 to complete a firearm training program conducted by a private
12 individual or a professional organization who shall conduct
13 the training consistent with the standards set forth by the
14 national rifle association.

15 The bill provides a reciprocity provision whereby a person
16 who possesses a valid out-of-state permit to carry a weapon
17 is entitled to the privileges and subject to the restrictions
18 relating to weapons contained in Code chapter 724, provided the
19 state that issued the license recognizes weapons permits issued
20 in Iowa and provided the person possessing such permit is not
21 otherwise prohibited from possessing a firearm.

22 The bill also repeals Code section 724.5 relating to a
23 person's duty to carry a weapons permit if the person goes
24 armed with a revolver, pistol, or pocket billy concealed upon
25 the person, currently a simple misdemeanor.